

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PUGET SOUNDKEEPER ALLIANCE,

CASE NO. 3:17-cv-5016 BHS

Plaintiff,

ORDER

V.

PORT OF TACOMA; SSA TERMINALS, LLC; and SSA TERMINALS (TACOMA).

Defendant.

This matter is before the Court on Defendants' responses to Plaintiff Puget Soundkeeper Alliance's motion to appoint a settlement judge. Dkts. 416, 418. The Court concludes that appointment of a settlement judge is not appropriate at this juncture. Defendants are united in their position that the parties are "nowhere near reaching a settlement." Dkt. 416 at 2; *see also* Dkt. 418 at 2 (SSA terminals "*will not agree to mediate.*"). Furthermore, Defendants seek certiorari with the U.S. Supreme Court to review the Ninth Circuit's opinion reversing and remanding the case. Dkt. 426. Specifically, they seek review of the question whether CWA Section 505 authorizes citizen plaintiffs to enforce conditions of state-issued pollutant-discharge permits that

1 mandate a scope of coverage greater than that required by the CWA. The Port contends
2 that “resolution of this issue by the Supreme Court could result in dismissal of all
3 remaining claims in this case.” Dkt. 416 at 2.

4 Therefore, it is hereby **ORDERED** that Puget Soundkeeper Alliance’s motion to
5 appoint a settlement judge. Dkt. 413 is **DENIED without prejudice**.

6 Dated this 11th day of October, 2024.

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BENJAMIN H. SETTLE
United States District Judge